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09/874,185	06/04/2001	Hitoshi Hidaka	7005-002	5613

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EXAMINER

HOLLOWAY III, EDWIN C.

ART UNIT	PAPER NUMBER
2635	10

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,185

Applicant(s)

HIDAKA ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Examiner's Response

1. In response to applicant's amendment filed 4-1-04, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Drawings

2. The examiner acknowledges the proposed drawing correction filed 4-1-04 with 780A, 780B, 780C in red ink on fig. 7. The proposal would overcome the objections in the prior office action, but the USPTO no longer accepts proposed drawing corrections by marked up sheets without "substitute sheets." Therefore the objection to fig. 7 remains, but the other objections to the drawings in the prior office action are overcome by applicants amendments to the specification.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 780A, 780B, 780C. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the

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figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including

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annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 102 & 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-2, 7-8 and 13-14 are rejected under 35

U.S.C. 102(e) as being anticipated by Yarin (US 6294999). Yarin discloses an article identifying system with communication tags (RFID tags 50) each attached to an article (container 34) in col. 8 lines 9-20 and an information output device (smart tray 12) that may be positioned in a predetermined, stationary location (medicine cabinet shelf, kitchen shelf) in col. 10 lines 5-15. The tags include means (circuitry) that stores and transmits information about the item attached to the tag in col. 7 lines 66-67. The information identifies one or more

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medicaments in the attached container (col. 7 lines 39-53 and therefore includes an identifier. The information output device includes a planar surface (flat surface 30) to receive a plurality of articles in col. 6 lines 8-13 and col. 10 lines 26-37. The information output device includes storage means (memory in processor 40) storing information data related to the article and associated with the identifier assigned to the article in col. 7 lines 51-53. The information output device includes receive means (coil array 41) forming part of the planar surface 30 for receiving the identifier from the tag in col. 6 lines 45-55 and col. 7 lines 22-35. The information output device includes information reading means (processor 40) for reading information data associated with the received identifier in col. 7 lines 1-10. The information output device includes information output means (35, 36, audio indicator) for outputting the read information in col. 8 lines 21-58 and col. 9 lines 7-20. The information data may be provided from an external source in col. 11 lines 20-33. Regarding claim 2, voice data is included in col. 8 line 41 and col. 11 lines 1-2. Claims 7-8 correspond to claims 1-2 with the addition of detecting a difference and reading information data associated with the identifier of the difference that is provided by Yarin in col. 8 lines 49-58, col. 10 lines 16-25 and col. 10 line 53 -

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col. 11 line 10. Claims 13 and 14 are method claims directed to the operation of system in claims 1 and 7, respectively, and are therefore rejected for the same reasons applied above to claims 1 and 7.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin (US 6294999) as applied above in view of Reber (US 5950632). Reber discloses an analogous art medical communication apparatus with a display that graphically indicates medicine information associated with a container. Graphical representation provides significant improvement in simplifying the identification of the medicine. See the abstract, col. 4 line 60 - col. 5 line 24 and col. 13 lines 56-59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the graphical representation of Reber in the system of Yarin because Reber disclosed that graphical representation provided significant improvement in simplifying the identification of the medicine.

7. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin (US 6294999) as applied above in view of Bullock (US 5351186) and Garber (US 6232870). Bullock discloses an analogous art system for obtaining information identifying a product including a voice recorder for inputting voice

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information into storage memory of a processor (CPU) in order to indicate information data of a product. See col. 4 lines 42-55. Garber discloses an analogous art RFID system with reader including transmitter to transmit ID information to an RFID tag and receiver in the tag to receive the information and write it to memory. See col. 5 line 38 - col. 7 line 34, and col. 12 lines 1-17. Regarding claims 3 and 9, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Yarin the voice recorder of Bullock in order to program the voice information into the system. Although Bullock uses barcodes instead of RFID, this difference would have been obvious because Yarin discloses in col. 6 lines 56-67 that barcodes and RFID are obvious alternatives. Regarding claims 3 and 9, it further would have been obvious to have included in the combination applied above means to transmit, receive and write into tag storage the ID information as disclosed in Reber in order to program the RFID tag because Yarin suggest this by referring to an RFID reader/writer in col. 8 line 1.

8. Claims 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin (US 6294999), Bullock (US 5351186) and Garber (US 6232870) as applied above in view of Rodrian (US 4129855). Rodrian discloses an analogous art

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identification system with counter 29 in the reader to provide the identification information to reduce errors. See the abstract, col. 2 lines 21-28 and col. 4 lines 4-62. Regarding claims 4 and 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the counter of Rodrian in the combination applied above in order to reduce errors. Regarding claims 6 and 12, plural terminals would have been obvious in view of the network of plural devices in figs. 1 and 2 of Yarin and the plural devices in fig. 1 of Bullock..

Allowable Subject Matter

9. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The cited prior art does not teach nor fairly suggests the information output device including recording voice data when a button is pressed by a user and stops recording voice data when the user releases the button and replaces information the voice data with new voice data when the button is press within a predetermined time after the voice data is reproduced in an article identifying system including wireless tags and stationary information output device with planar surface on which one or more articles can be placed.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Works (US 3745569), Baus (4780599), Kaplan (US 5237157), Ruppert (US 5640002), Barbour (US 5812064) and Sitnik (US 6300880) disclose article identifying systems.

Response to Arguments

11. Applicant's arguments with respect to claims 1-14 filed 4-1-04 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
6/26/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635